



No. 28.1

EXECUTIVE ORDER

DECLARING A DISASTER EMERGENCY IN THE STATE OF NEW YORK

WHEREAS, pursuant to sections 362 and 365 the Public Health Services Act (42 U.S.C §§ 362 and 365, and the implementing regulation at 42 C.F.R. § 71.40, on August 2, 2021 the Director of the United States Center for Disease Control ("CDC") issued a *Public Health Reassessment and Order Suspending the Right to Introduce Certain Person from Countries Where a Quarantinable Communicable Disease Exists* (the "Title 42 Order");

WHEREAS, the Title 42 Order prohibits migration into the United States by "covered noncitizens" traveling from Canada or Mexico (regardless of their country of origin) who would otherwise be introduced into a congregate setting in a port of entry or U.S. Border Patrol station at or near the U.S. land and adjacent coastal borders;

WHEREAS, even with the Title 42 Order in place, large numbers of migrants with immediate housing and service needs have arrived in the City and State of New York over the last several months: the City of New York, alone, is currently providing temporary housing for 36,738 migrants from the southern border, a number that has increased by 12,279 individuals since January 2023; and by an additional 1,578 individuals in the just the last week.

WHEREAS, the Title 42 Order is expiring on May 11, 2023, and, upon the expiration of the Title 42 Order, it is anticipated there will be a surge of migration into the United States resulting in the imminent arrival of individuals to the City and State of New York at an increased rate of what is expected to be several thousand additional people seeking shelter each week;

WHEREAS, federal support is critical to support the City of New York and other local governments within the State that lack the infrastructure, facilities, and resources necessary to meet the immediate humanitarian demand to house and meet other basic needs of the large numbers of migrant arrivals; and

WHEREAS, the arrival of increased numbers of migrants seeking shelter in the City and State of New York is expected to exacerbate an already large-scale humanitarian crisis and create a disaster emergency to which local governments are unable to adequately respond, creating a threat to health and safety, which could result in the loss of life or property; and

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the State Disaster Emergency as declared in Executive Order 28, and do hereby continue the terms, conditions, and suspensions contained in Executive Order 28, until June 26, 2023.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify for the period from the date of this Executive Order until June 26, 2023 the following:

- The State Uniform Fire Prevention and Building Code; the State Energy Conservation Construction Code; the New York City Construction Codes; the New York City Fire Code; the State Sanitary Code and any and all local sanitary codes; and all state and local laws, ordinances, rules, regulations, and codes relating to administration and enforcement of the foregoing, to the extent necessary to allow, upon approval by an approved state construction-permitting agency, and subject to such terms and conditions as the state construction-permitting agency may prescribe, the use and occupancy of the former Lincoln Correctional Facility in New York County to serve as temporary living quarters.



GIVEN under my hand and the Privy Seal of the State in
the City of Albany this twenty-seventh day of May
in the year two thousand twenty-three.

Kathy Hochul

BY THE GOVERNOR

A stylized, handwritten signature in black ink, likely belonging to the Secretary to the Governor.

Secretary to the Governor